

PATENT COOPERATION TREATY

REC'D 06 SEP 2004

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From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2004/001968

International filing date (day/month/year)
28.05.2004

Priority date (day/month/year)
30.06.2003

International Patent Classification (IPC) or both national classification and IPC
A61B6/03

Applicant
KONINKLIJKE PHILIPS ELECTRONICS N.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/001968

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/001968

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-9, 13-20
Inventive step (IS)	Yes: Claims	
	No: Claims	10-12, 21
Industrial applicability (IA)	Yes: Claims	1-21
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43*bis*.1 and 70.10)

and / or

2. Non-written disclosures (Rules 43*bis*.1 and 70.9)

see form 210

Re Item V.

- 1 The following documents are referred to in this communication:

D1: EP-A-0 531 993 (TOKYO SHIBAURA ELECTRIC CO) 17 March 1993 (1993-03-17)

D2: US-B-6 198 7901 (PFLAUM MICHAEL) 6 March 2001 (2001-03-06)

D3: US-A-5 796 802 (GORDON BERNARD M) 18 August 1998 (1998-08-18)

D4: US 2003/016778 A1 (KAZAMA MASAHIRO ET AL) 23 January 2003 (2003-01-23)

D5: US-A-5 493 599 (MATTSON RODNEY A) 20 February 1996 (1996-02-20)

2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
Document D1 discloses (the references in parenthesis applying to this document):

a diagnostic imaging system (100) comprising: a means (col. 6 lines 13-15) for supporting a subject; a means (col. 6 lines 13-15) for translating the supporting means through an examination region (col. 6 lines 27-31); an x-ray source (2, 10); a means (50/54; col. 6 lines 27-31) for rotating the x-ray source around the examination region; a means (54; col. 10 lines 40-43) for controlling the x-ray source to pulse the x-ray source at a selected angular location around the subject to transmit radiation through the subject as the subject is translated through the examination region; a means (12) for detecting transmitted radiation, which has passed through the subject; and a means (3, 65; col. 11 lines 3-6) for reconstructing a pilot scan of the subject from the radiation detected when the x-ray source was pulsed at the selected angular location as the subject was translated through the examination region.

The same objections could be made using document D2 (see col. 2 lines 34-50, where the movement of the patient table is implicitly present) or D3 (see col. 17 line 60 - col. 18 line 2; col. 18 lines 21-48) instead.

3 INDEPENDENT CLAIM 13

- 3.1 The present application does not meet the criteria of Article 33(1) PCT, because

the subject-matter of claim 13 is not new in the sense of Article 33(2) PCT.
Document D1 discloses (the references in parenthesis applying to this document):

a method for generating a pilot scan, the method comprising: supporting and translating a subject support through an examination region (col. 6 lines 13-15); rotating a source of an x-ray radiation around the examination region (col. 6 lines 27-31); controlling the x-ray source to pulse the x-ray source at a selected angular location around the subject support to transmit radiation through the subject as the subject is translated through the examination region (col. 10 lines 40-43); detecting transmitted radiation, which has passed through the subject (detector unit 12); and reconstructing a pilot scan of the subject from the radiation detected when the x-ray source was pulsed at the selected angular location as the subject was translated through the examination region (col. 11 lines 3-6).

The same objections could be made using document D2 (see col. 2 lines 34-50, where the movement of the patient table is implicitly present) or D3 (see col. 17 line 60 - col. 18 line 2; col. 18 lines 21-48) instead.

4 DEPENDENT CLAIMS 2-12, 14-21

Dependent claims 2-12, 14-21 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).